IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MS JUSTICE G.ROHINI
WRIT PETITION NO : 13974 of 2004

Between:

1 Kamana Ramakrishna, s/o.Subbanna,
R/o.Nedunuru Village, Inavalli Mandal, East Godavari Dist.
2 G.Satyanarayana, s/o.G.Rama Swamy,
R/o.Nedunuru Village, Inavalli Mandal, East Godavari Dist.
3 Indugula Narayana Murthy, S/o.I.Venkateswara Rao,
R/o.Nedunuru Village, Inavalli Mandal, East Godavari Dist.
4 P.Satyanarayana, S/o.Subba Rao,
R/o.Nedunuru Village, Inavalli Mandal, East Godavari Dist.
5 G.Krishna, S/o.G.Suryanarayana,
R/o.Nedunuru Village, Inavalli Mandal, East Godavari Dist.
6 P.Venkata Lakshmi, S/o.Veera Venkata Satyanarayana,
R/o.Nedunuru Village, Inavalli Mandal, East Godavari Dist.

..... PETITIONERS

AND

1 The Commissioner, Endowment Department, Tilak Road, Hyderabad.
2 The Deputy Commissioner, Endowment Department, Kakinada, E.G.Dist.
3 The Assistant Commissioner, Endowment Department, Rajahmundry, E.G.Dist.
4 The Person-in-Charge (Manager), Sri Kanadadurga Chenna Malleswara Temple,Nedunuru Village, Inavalli Mandal, E.G.Dist.
5 Motha Venkateswara Rao, S/o.Chandra Rao, Nedunuru Village, Inavalli Mandal, E.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents No.4 and 5 in renovating of Sri Kanakadurga Chenna

Malleswara Temple, Nedunuru Village, Inavalli Mandal, East Godavari District, against to the faiths and beliefs of the people is as arbitrary, illegal, unlawful, under statutes and law of the state and also against the Constitution.

Counsel for the Petitioners: MR.V.VENKATA KUMAR

Counsel for the Respondent Nos.1 to 4: GP FOR ENDOWMENTS

Counsel for the Respondent No.5: Mr. K.S.Gopalakrishna

The Court made the following :

ORAL ORDER:

The petitioners, who claim to be the members of the Trust Board of Sri Kanakadurga Chenna Malleswara Temple, Nedunuru Village, filed this writ petition seeking a Writ of Mandamus declaring the alleged action of the respondent Nos. 4 and 5 in renovating the said temple against the faiths and beliefs of the petitioner is arbitrary and illegal.

In the affidavit filed in support of the writ petition, it is stated that Nedunuru village is a Centralised hamlet of Amalapuram Revenue Division wherein Sri Kanakadurga Chenna malleswara Temple is existing. It is not in dispute that the 5th respondent is the Chairman and the petitioners 1 to 6 are the members of the Trust Board having been appointed by the Assistant Commissioner of Endowments, vide proceedings, dated 22.09.2003. It appears that since the temple is in dilapidated condition, the Endowments Department has taken up renovation of the same. The petitioners state that in the Gram Sabha held in the village on 16.06.2004, the said issue was discussed and many people of the village who are well-versed with Agama Sastra and Astrology raised objections for renovation during the Godavari Pushkarams, since the same is not auspicious. It is also stated that to that extent the villagers have given a representation to the Assistant Commissioner of Endowments, Rajahmundry on 17.06.2004 through

the members of the Trust Board. Basing on the said representation, the members of the Trust Board have also brought to the notice of the Deputy Commissioner of Endowments, Kakinada, vide letter dated 18.06.2004 about the feelings of the villagers that the proposed construction during the said period is not auspicious. It is alleged that the person-in-charge in the management and the Chairman have ignored the strong faiths and beliefs of the people and they have been taking further steps of renovation of the temple. Hence, the writ petition.

On behalf of the 4th respondent, the Manager of the Temple filed a counter affidavit stating that the institution is an ancient temple which was constructed 200 years back and that since the temple is in dilapidated condition, after prolonged discussions, at the request of the then Trust Board, the Government sanctioned Common Good Fund for renovation of the temple. The Commissioner of Endowments vide proceedings dated 31.05.2003 sanctioned Rs.3,55,200/- for reconstruction of the temple. Thereafter, in pursuance of the proceedings of the Deputy Commissioner of Endowments, Kakinada dated 24.10.2003 tenders were invited by the 4th respondent and one Sri Mopuri Satya Brahmanner has been awarded the contract for construction of temple. Immediately, thereafter the contractor has started the work and the idols have been shifted and the temple has been demolished. The renovation work was started on 17-05-2004 and at present the construction work has been going on. The allegation of the petitioners that the renovation which has been taken up is against the beliefs of the villagers has been denied and it is explained that as per the representation made by the villagers and the petitioners, the Assistant Commissioner of Endowments instructed Sthapathi, Endowments Department, Kakinada to visit temple for finalizing the Muhurtham and Vasthu and accordingly, the Sthapati along with Vedic Pandits, in the presence of villagers and the petitioners, visited the temple and clarified that the Vastu and Muhurtham at which the work was commenced is perfect. Thus, it is

stated that the allegations made by the petitioners are not correct and the relief as prayed for cannot be granted.

A separate counter affidavit has been filed by the 5th respondent i.e., the Chairman of the Trust Board, on the same lines stating that before taking up of the work of renovation, the famous Scholor-cum-Vedic Pandit of Tirumala-Tirupati Devasthanams was consulted to fix the dates for Jeernoddharana and Sankusthapana of the Temple, who fixed it in May, 2004. The work of reconstruction of temple was taken up as per the schedule fixed by the Vedic Pandit and on approval by the Board of Trustees of the temple of which the petitioners are parties who gave consent for the schedule of reconstruction work of temple. Now, the reconstruction work of the temple is nearing completion.

The petitioner did not choose to file any reply affidavit disputing the version of the respondents 4 and 5.

In the light of the specific averments in the counter affidavits filed by respondents 4 and 5 which stood unrebutted, I do not find any justifiable reasons to grant the relief as prayed for. It appears that there are certain disputes among the villagers and even among the members of the Trust Board. It is clear from the version of the 5th respondent i.e, the Chairman of the Trust Board that before the commencing the renovation work, in the presence of the petitioners and other villagers, the Vedic Scholars were consulted for fixing the appropriate dates for commencing the work. Though the learned counsel for the petitioners across the Bar contended that as per the Agama Sastra, the dates fixed for renovation are not auspicious, I decline to express any opinion since this Court does not have the expertise to go into the said question nor it is necessary for this Court to sit as a Court of Appeal while exercising the jurisdiction under Article 226 of the Constitution of India.

If the petitioners are still aggrieved with regard to the correctness of the decision, it is open to them to work out the appropriate remedy as available under law. However, in view of the

specific averments in the counter affidavits, no relief can be granted in this writ petition.

Accordingly, the Writ Petition is dismissed. No costs.

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31st August, 2004

To

1 The Commissioner, Endowment Department, Tilak Road, Hyderabad.
2 The Deputy Commissioner, Endowment Department, Kakinada, E.G.Dist.
3 The Assistant Commissioner, Endowment Department, Rajahmundry, E.G.Dist.
4 The Person-in-Charge (Manager), Sri Kanadadurga Chenna Malleswara Temple,Nedunuru Village, Inavalli Mandal, E.G.Dist.
5 Two CCs to the Government Pleader for Endowments, High Court Building, Hyderabad. (OUT).
6 Two C.D. copies.

sj/gbs